

PROB 12C  
(7/93)

Report Date: August 3, 2011

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

AUG 04 2011

JAMES R. LARSEN, CLERK  
YAKIMA, WASHINGTON DEPUTY**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Francisco Samaniego

Case Number: 2:09CR02068-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, U.S. District Judge

Date of Original Sentence: 3/3/2010

Original Offense: Possession of a Firearm and Ammunition by a Prohibited Person,  
18 U.S.C. § 922(g)(1)Original Sentence: Prison - 24 Months; Type of Supervision: Supervised Release  
TSR - 36 Months

Asst. U.S. Attorney: James Goeke

Date Supervision Commenced: 4/8/2011

Defense Attorney: Federal Defender's Office

Date Supervision Expires: 4/7/2014

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**PETITIONING THE COURT****To issue a summons.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

- 1      **Special Condition # 17:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

**Supporting Evidence:** Mr. Samaniego has failed to attend his drug and alcohol treatment group sessions at Merit Resource Services (Merit) on July 11, 18, 19, and 20, 2011.

- 2      **Special Condition # 18:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Samaniego has failed to submit to random urinalysis testing at Merit on days his color was called on July 12, 18, and 20, 2011.

Prob12C

Re: Samaniego, Francisco

August 3, 2011

Page 2

Mr. Samaniego was directed to call the Merit color line daily. When the defendant's color is called, he is to report to Merit that same day and provide a urine sample. Mr. Samaniego has failed to report as directed.

- 3      **Special Condition # 18:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Samaniego tested presumptive positive for methamphetamine and marijuana on July 27, 2011.

On July 27, 2011, a Washington State Department of Corrections' (DOC) officer collected a specimen from the defendant that tested presumptive positive for methamphetamine and marijuana. After being confronted by the DOC officer, the defendant admitted to using methamphetamine, but denied the marijuana use. The specimen was sent to the laboratory for confirmation and the results are still pending.

- 4      **Mandatory Condition # 6:** If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the schedule of payments set forth in the criminal monetary penalties sheet of this judgment.

**Supporting Evidence:** Mr. Samaniego has failed to make a payment towards his special assessment as of July 28, 2011.

On April 11, 2011, Mr. Samaniego signed the payment agreement form promising he would start making payments toward his special assessment, in the amount of \$25 per month starting June 1, 2011. As of July 28, 2011, no payments have been made.

- 5      **Special Condition # 15:** You shall enter into and actively participate in a GED program as directed by the supervising officer.

**Supporting Evidence:** Mr. Samaniego has failed to enroll in a GED program as of July 28, 2011.

On April 11, 2011, conditions of supervision were reviewed with the defendant and he was advised he needed to enroll in a GED program. Mr. Samaniego has failed to enroll in school as of July 28, 2011.

Prob12C

**Re: Samaniego, Francisco**

**August 3, 2011**

**Page 3**

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/03/2011


s/Jose Zepeda

Jose Zepeda  
U.S. Probation Officer

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### THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other

  
\_\_\_\_\_  
Signature of Judicial Officer

8/3/11  
\_\_\_\_\_  
Date